

## PLEA MINUTE SHEET

Time in: 3:36 p.m. recess 3:43

Time in: 3:55 p.m. recess 4:30 p.m.

TOTAL TIME IN COURT: 42 minutes

Date: 11/21/08 Judge: Parker Reporter: J. De La Rosa Clerk: C. Blumenthal

USA v. Dana Jarvis

Cr. No. 05cr1849JH

Deft. present & sworn

Deft. Counsel: Jodi Neil-Post & Judy Rosenstein for Gary Mitchell

AUSA: James Braun & Steve Kotz

Plea taken at: Albuquerque

Court questions defendant as to:

Physical & mental condition ( X ) education ( X ) use of drugs/ alcohol/ medication ( X )

( X ) Deft. found competent to proceed

Deft. pleads GUILTY as to the Superseding Indictment to Counts 1 & 26

Deft. acknowledges possible consequences of plea

Deft. acknowledges receipt and review of superseding indictment

Plea agreement filed but not accepted until sentencing judge accepts

Rights explained: Jury trial ( X ) Attorney ( X )

Confront & cross-examine witnesses ( X ) Against self-incrimination ( X )

Age: 59

Court confirms / advises deft. of maximum possible penalties:

Imprisonment CT. I: not less than 10 years nor more than life

Imprisonment CT. 26: not more than 20 years

Fine CT. I: \$4,000,000.00 or twice the pecuniary gain to the defendant or pecuniary loss to the victim

Fine CT. 26: \$500,000.00 or twice the pecuniary gain to the defendant or pecuniary loss to the victim

Supervised Release CT. I: mandatory term of not less than 5 years

Supervised Release CT. 26: mandatory term of not more than 3 years

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Restitution may be ordered by the Court  
SPA Ct. I: \$100  
SPA Ct. 26: \$100

Pursuant to a stipulation by parties to RULE 11(c)(1)(C) that the sentence shall be imprisoned for a term of 168 months followed by a term of supervised release of and 5 years.

**Plea of guilty ACCEPTED.** Acceptance of plea agreement deferred until reviewed. by sentencing judge

Sentencing to be set at a later date

Defendant to remain in custody

NOTES: On the record defendant and counsel agree that Judge Parker can take the plea despite the fact that he was involved in plea negotiations.  
Plea agreement reviewed and Mr. Jarvis agrees with Paragraph 8, with his explanation. Govt. o.k. with defendant's explanation.